

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIELA COTA-GUITIMEA

Defendant.

Case No. **19-CR-01300-MV**

**AMENDED UNOPPOSED MOTION TO CONTINUE
TRIAL AND EXTEND MOTIONS DEADLINES**

COMES NOW, Defendant **DANIELA COTA-GUITIMEA**, by her counsel Sarah M. Gorman and respectfully requests that this Court enter an order continuing the trial setting of **June 24, 2019**, for a period of 60 days as well as extend the time within which to file pretrial motions by 60 days.

In support of this Motion, Counsel states as follows:

1. On April 17, 2019 the government filed a criminal complaint against Ms. Cota-Guitimea, alleging a violation of 21 USC §841(a)(1) and (b)(1)(A), Possession with Intent to Distribute Fentanyl.
2. Preliminary Hearing and Detention Hearing were held on April 17, 2019, where the court found probable cause and detained Ms. Cota-Guitimea.
3. Ms. Cota-Guitimea was arraigned on **May 13, 2019**.
4. A Discovery Order was issued, along with a motions deadline of June 3, 2019.

5. The Court set a trial date for June 24, 2019.
6. Discovery was provided to defense counsel by the United States Attorney's Office on **May 23, 2019**.
7. At present, Defense Counsel is still reviewing discovery and in the process of investigating the facts and researching the law for any necessary pre-trial motions.
8. Additionally, Defense Counsel is awaiting transcripts from the preliminary hearing to be used in a potential suppression motion.
9. Once Defense Counsel and Ms. Cota-Guitimea have adequately reviewed discovery, Defense Counsel and AUSA Matthew Nelson intend to discuss a potential plea agreement, however, additional time will be required to determine whether Ms. Cota-Guitimea may enter into a plea agreement or choose to exercise her right to a jury trial.
10. It is anticipated that an extension of the motion deadline from June 3, 2019 for a period of sixty days will allow Defense Counsel to research and meet with Ms. Cota-Guitimea to determine which pre-trial motions, if any, should be filed.
11. As a result of extending the motions deadline, it is necessary to continue the trial date from June 24, 2019 for a period of sixty days.
12. Thus, good grounds exist for continuance of the trial pursuant to *U.S. v. Toombs*, 574 F.3d 1268 (10th Cir. 2009). Pursuant to 18 U.S.C. §3161(h)(7)(A) and (B)(iv), this request for an extension and continuance is in the best interest of justice and will allow for reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
13. Defense Counsel has contacted Assistant United States Attorney, Matthew Nelson,

and he does not oppose this request for a continuance.

14. Defense Counsel has discussed this continuance with Ms. Cota-Guitimea, as well as her right to a speedy trial and she does not object to a continuance.

WHEREFORE the defendant, respectfully requests that the Court enter an order granting a continuance of the trial setting in this cause from its present setting of June 24, 2019, for a period of (60) days and vacating the other deadlines associated with the present trial setting and extending the deadlines in accordance with the new trial date.

Respectfully Submitted,

/s/ Sarah M. Gorman
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Attorney for Defendant Daniela Cota-Guitimea

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of May 2019, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Matthew Nelson
Assistant U.S. Attorney
U.S. Attorney's Office
District of New Mexico
P.O. Box 607
Albuquerque, New Mexico 87103

/s/ Sarah M. Gorman
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